

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

McAllen Division

Luisa Hinojosa Martinez, Individually and As Next
Friend of J.J.L., a minor

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)
(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

Jury Trial: (check one) Yes No

-v-

United States of America

Defendant(s)
(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Luisa Hinojosa Martinez Individually and as Next Friend of J.J.L.</u>
Street Address	<u>15A Victor Road</u>
City and County	<u>Roma</u>
State and Zip Code	<u>Texas 78584</u>
Telephone Number	<u>956-777-7000 (Plaintiffs' counsel)</u>
E-mail Address	<u>tijerinalit@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	United States of America
Job or Title (<i>if known</i>)	United States Department of Justice - Justice Management Div.
Street Address	950 Pennsylvania Ave. NW, Room 1111
City and County	Washington DC
State and Zip Code	DC 20530
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

E-mail Address (*if known*) _____**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The cause of action in this suit stems from an automobile collision that occurred on March 19, 2021. Defendant is the government of the United States of America. Plaintiffs bring this suit against Defendant under the Federal Tort Claims Act. 28 U.S.C. Section 1346 provides this Court original jurisdiction of this suit.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (*name*) _____, is a citizen of the State of (*name*) _____.

b. If the plaintiff is a corporation

The plaintiff, (*name*) _____, is incorporated under the laws of the State of (*name*) _____, and has its principal place of business in the State of (*name*) _____.

(*If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.*)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of _____, the State of (name) _____ . Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

This cause of action arises out of a motor vehicle collision caused by United States Customs and Border Protection Agent Coulter Thomas Bishop. On March 19, 2021, in the Southern District of Texas, Agent Bishop, among other negligent acts, failed to control the speed of the vehicle he operated and as a result collided his vehicle into Plaintiffs' vehicle. The vehicle operated by Agent Bishop was owned or leased by Defendant and Agent Bishop was in the regular course and scope of his employment with Defendant at the time of the collision. As a result of the collision, Plaintiffs each sustained bodily injuries and economic damages.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff Luisa Hinojosa seeks damages for past medical expenses in the amount of \$53,948.39, for future medical expenses in the amount of \$350,000.00 (Plaintiff Luisa Hinojosa has been recommended for various surgeries), for past and future physical pain and suffering in the amount of \$250,000.00, for past and future mental anguish in the amount of \$250,000.00, for physical impairment in the amount of \$250,000.00, and for physical disfigurement in the amount of \$250,000.00.

Plaintiff J.J.L seeks damages for past medical expenses in the amount of \$28,183.00, for future medical expenses in the amount of \$10,000.00, for past and future physical pain and suffering in the amount of \$150,000.00, for past and future mental anguish in the amount of \$150,000.00, for physical impairment in the amount of \$150,000.00, and for physical disfigurement in the amount of \$150,000.00.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff

B. For Attorneys

Date of signing: 01/03/2022

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Derek I. Salinas

SBN: 24093098 FID: 2554325

Tijerina Legal Group, P.C.

1200 S. 2nd St., Suite 4A

Texas 78501

956-777-7000

TijerinaLit@gmail.com